


IT IS SO ORDERED.

Dated: 18 August, 2017 11:27 PM



JESSICA E. PRICE SMITH  
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re:

Stuart M. Montigny

Debtor(s).

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Case No.: 17-11770

Chapter 13

Judge Jessica E. Price Smith

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**AGREED ORDER TO SETTLE OBJECTION TO CONFIRMATION OF PLAN**  
**(DOCKET # 19)**

This matter having come before the Court on the Objection to Confirmation of Plan which was filed in this court by Federal National Mortgage Association ("Fannie Mae"), a corporation organized and existing under the laws of the United States of America ("Creditor"), by and through its mortgage servicing agent Seterus, Inc., fka IBM Lender Business Process

17-013659\_JMR

Services, Inc., and it appearing to the Court that the parties have agreed to a course of action for the protection of Creditor; and the Court, being otherwise fully advised in the premises, issues the following Order with respect thereto:

1. The pre-petition arrearage claim of Creditor shall be paid according to Creditor's Proof of Claim filed August 8, 2017 as claim number 5 (as may be subsequently amended), subject to objection by Debtor.
2. Confirmation of the Plan shall have no res judicata effect with respect to the amount of the pre-petition arrearage claim of Creditor under 11 U.S.C. § 1327 or other applicable bankruptcy and/or non-bankruptcy law. Should the Debtor file an objection to the Proof of Claim, the amount of the arrearage shall be determined through the objection to claim process.
3. In the event Debtor seeks to amend or otherwise modify the Plan subsequent to this Order, and the terms of the Amended or Modified Plan conflict with the terms of this Order, the terms of this Order shall control over the Amended or Modified Plan.
4. Creditor's Objection to Confirmation is hereby withdrawn.

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**SUBMITTED BY:**

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